

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Aiken Hospitality Group, LLC,) Civil Action No.: 1:16-cv-03093-JMC
)
Plaintiff,)
)
v.)
)
HD Supply Facilities Maintenance, Ltd.,) ORDER
)
)
Defendant.)
)

This matter is before the court to address Defendant's Deposition Designation Objections to the deposition testimony of Jennifer Swisher. (ECF No. 203 at 4.) Rule 32 of the Federal Rules of Civil Procedure allows "all or part of a deposition [][to] be used against a party" under certain specified conditions. *See Fed. R. Civ. P. 32(a).* "[T]he admission of deposition testimony [][i]s subject to the sound discretion of the trial court, which 'has a perfect right to limit the use of the material if [the deposition] is repetitious or immaterial.'" *Harvill Indus., Ltd. v. ADCOR Indus., Inc.*, No. 08-CV-448-GKF-PJC, 2009 WL 1227727, at *1 (N.D. Okla. May 1, 2009) (citation omitted). In this regard, the court rules on Defendant's specific objections to Plaintiff's deposition designations of Jennifer Swisher as follows:

Portion Designated by Plaintiff	Defendant's Objection	The Court's Ruling
6:2	Vague	Sustained
8:3–5	Irrelevant	Sustained
13:3–6	Combative, Irrelevant, Prejudicial	Sustained
15:8–20	Legalese in a Pleading	Sustained
20:20–21:15	Not within Witness' Knowledge	Sustained
21:20–22:9	Vague, Ambiguous	Sustained
25:20–23	Witness Testifies about Discovery Responses even though not the 30(b)(6)	Sustained
29:3–30:5	Irrelevant	Sustained
39:21–23	Speculation, Hearsay	Sustained
40:4–42:4	Asked and Answered (27)	Overruled

44:1–17	Jury Exposure to Pleading Legalese	Sustained
45:14–46:17	Speculative, Hearsay	Overruled
59:4–16	Speculative	Overruled
65:14–18	Hearsay	Overruled
75:4–15	Hearsay	Overruled
80:24–81:8	Jury Exposure to Pleading Legalese	Overruled
100:24–25	Vague	Sustained
123:25–124:5	Supposes Facts not in Evidence	Overruled
125:6–13	Hearsay	Overruled
125:16–22	Improper Law Witness Question	Overruled

(ECF No. 203 at 4.)

In order to streamline the presentation of evidence and avoid waste of time, the court expects that the parties will queue up their deposition designation testimony in accordance with this Order and all other applicable orders. The parties will not be allowed to present further objections regarding deposition designations during trial.

IT IS SO ORDERED.

United States District Judge

January 31, 2019
Columbia, South Carolina